

Douglas J. Pick, Esq.
Eric C. Zabicki, Esq.
PICK & ZABICKI LLP
Counsel to Evan Blum
369 Lexington Avenue, 12th Floor
New York, New York 10017
(212) 695-6000

Hearing Date: October 16, 2018
Time: 9:00 a.m.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re
SECOND PHOENIX HOLDING LLC, et al.,

Debtors.
-----X

Chapter 11
Case No. 18-10009 (MG)
(Jointly Administered)

**OBJECTION OF EVAN BLUM TO CONFIRMATION OF
CHAPTER 11 TRUSTEE'S CHAPTER 11 PLAN**

TO THE HONORABLE MARTIN GLENN,
UNITED STATES BANKRUPTCY JUDGE:

Evan Blum, by and through his undersigned counsel, as and for his objection to confirmation of the Chapter 11 Trustee's Joint Plan of Liquidation Dated October 2, 2018 (the "Plan"), respectfully represents and alleges as follows:

1. The Plan should not be confirmed as it fails to specifically and unequivocally reserve the potential claims in favor of the Debtors against their former counsel, Marc Stuart Goldberg, Esq. and/or Marc Stuart Goldberg, LLC for legal malpractice, breach of fiduciary duty and the like. Failure to expressly reserve said potential claims in the Plan could result in the loss of the right to prosecute same post-confirmation. *See, e.g., MF Global Holdings USA Inc. v. Heartland Co-Op (In re MF Global Holdings Ltd.)*, 2017 Bankr. LEXIS 1025 at *10-16 (Bankr. S.D.N.Y, 2017). Mr. Blum had requested that the Chapter 11 Trustee include language to this effect in the Plan, however the Chapter 11 Trustee refused to do so.

2. Based upon the foregoing, it is respectfully requested that confirmation of the Plan should be denied and that the Court grant such other and further relief as may be just and proper.

Dated: New York, New York
October 17, 2018

PICK & ZABICKI LLP

Counsel to Evan Blum

By: 

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